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10/510,443

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EXAMINER

LEVI, DAMEON E

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,443	<b>Applicant(s)</b> MATTI ET AL.	
	<b>Examiner</b> DAMEON E. LEVI	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/08/2009(Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9,12,13,19,20 and 22-29 is/are rejected.
- 7) ☒ Claim(s) 10,11,21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/08/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 8,9,12,13,19,20, and 22-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Richardson US Patent 6646864.**

Regarding claim 8, Richardson discloses an apparatus comprising:  
a first surface comprising a hollow(element 818, 914, Figs 1-12) having a shape of a symbol, wherein a portion of the first surface forming the hollow is configured to transmit light emitted by a light source(element 820, 916, Figs 1-12); and a second surface located on the opposite side of the plastic object with respect to said first surface, wherein the symbol is visually perceptible through the second surface when light is emitted from a side that said first surface faces(Figs 8,9), wherein the first and second

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surfaces are formed of a homogenous material and wherein the hollow does not extend to the second surface(element 818, 914, Figs 1-12).

Regarding claim 9, Richardson discloses characterized in that said object is formed of a homogeneous plastic molded material(column 8, lines 40-45).

Regarding claim 12, Richardson discloses wherein said second surface is configured to reflect light(element 102, Figs 1-12).

Regarding claim 13, Richardson discloses wherein the portion of the first surface forming the hollow does not reflect light and is configured to transmit light from a side that said second surface faces to the side said first surface faces(column 8, lines 38-45, element 102, Figs 1-12).

Regarding claim 19, Richardson discloses an apparatus comprising:

a plastic object of a homogeneous material(column 8, lines 40-45), the plastic object including:

a first surface which comprises a hollow(element 818, 914, Figs 1-12) having a shape of a symbol, wherein a portion of the first surface forming the hollow is configured to transmit light emitted by a light source(element 820, 916, Figs 1-12); and a second surface located on the opposite side of the plastic object with respect to said first surface, wherein the symbol is visually perceptible through the second surface when light is emitted from a side that said first surface faces(Figs 8,9), wherein the first and second surfaces are formed of a homogenous material and wherein the hollow does not extend to the second surface(element 818, 914, Figs 1-12).

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Regarding claim 20, Richardson discloses wherein the plastic object comprises a homogeneous plastic molded material(column 8, lines 40-45).

Regarding claim 22, Richardson discloses wherein the hollow comprises a recess in the first surface and wherein a first thickness between the first and second surfaces outside of the hollow is greater than a second thickness between the first and second surfaces in the hollow(elements 818, 914, Figs 1-12).

Regarding claim 23, Richardson discloses wherein the first and second surfaces and the hollow are integrally formed of the homogenous material(column 8, lines 40-45).

Regarding claim 24, Richardson discloses wherein the hollow comprises a recess in the first surface and wherein a first thickness between the first and second surfaces outside of the hollow is greater than a second thickness between the first and second surfaces in the hollow(elements 818, 914, Figs 1-12).

Regarding claim 25, Richardson discloses wherein the first and second surfaces and the hollow are integrally formed of the homogenous material(column 8, lines 40-45).

Regarding claim 26, Richardson discloses an apparatus comprising:

a first surface comprising a recess(element 818, 914, Figs 1-12) having a shape of a symbol, wherein a portion of the first surface forming the recess is configured to transmit light emitted by a light source(element 820, 916, Figs 1-12); and a second surface located on an opposite side of the object with respect to said first surface, wherein the symbol is visually perceptible through the second surface when light is emitted from a side that said first surface faces(Figs 8,9),

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wherein the first and second surfaces are formed of a homogenous material and wherein the recess does not extend to the second surface(element 818, 914, Figs 1-12).

Regarding claim 27, Richardson discloses wherein the first and second surfaces comprise a homogeneous plastic material(column 8, lines 40-45).

Regarding claim 28, Richardson discloses wherein the first and second surfaces and the recess are integrally formed(column 8, lines 40-45).

Regarding claim 29, Richardson discloses wherein a first thickness between the first and second surfaces outside of the recess is greater than a second thickness between the first and second surfaces in the recess(elements 818, 914, Figs 1-12).

### ***Additional Comments Regarding The Claims***

Regarding recitations throughout the claims that an element is 'configured to' perform a function, it is the position of the Office that such recitations are not deemed as being positive limitations, and thus, only requires the ability to so perform. In this case, the prior art of record is broadly construed by the Office as at least possessing such ability.

### ***Allowable Subject Matter***

Claims 10,11, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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Regarding dependent claims 10 and 21, in the context of the claimed invention, the pertinent prior art, when taken alone, or, in combination, does not fairly teach or suggest a first and second polycarbonate compounds substantially in equal amounts. Claim 11 depends from claim 10.

### ***Response to Arguments***

Applicant's arguments with respect to claims 8-13 and 19-29 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMEON E. LEVI whose telephone number is (571)272-2105. The examiner can normally be reached on Mon.-Thurs. (9:00 - 5:00) IFP, Fridays Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dameon E Levi  
Primary Examiner  
Art Unit 2841

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